



DEPARTMENT OF TRANSPORTATION

[4910-EX-P]

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2018-0021]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 97 individuals who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, S.E., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building,

1200 New Jersey Avenue, S.E., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

FMCSA received applications from 97 individuals who requested an exemption from the FMCSRs prohibiting persons with ITDM from operating a CMV in interstate commerce.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(3).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption.

The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(3). Therefore, the 97 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(3).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitutes final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 12 applicants met the diabetes requirements of 49 CFR 391.41(b)(3) and do not need an exemption:

Jerome E. Bembry (FL)	Scott J. Blair (MI)
Bryan D. Cash (MI)	John C. Czar (PA)
James P. Despirito (PA)	Lawrence Jackson (MO)
Curtis L. Jones (NY)	Wesley A. McLaughlin (PA)
Francisco Paz (TX)	Keith R. Smith (MN)
Eloy O. Valdez (CA)	Matthew Windle (GA)

The following 55 applicants were not operating CMVs in interstate commerce:

Warren E. Akiona (WA)	Mohammed B. Alnounou (MI)
Robert F. Aubert (IA)	David G. Barclay (PA)
Roy E. Barticciotto (NY)	Lucrecia Bethea (NJ)

Michael A. Bogardus (NY)	Vincent F. Brewer (MI)
Christopher W. Brown (FL)	Rodney W. Buxkemper (TX)
Douglas R. Christian (GA)	Marie A. Clark (MA)
Daniel G. Close (AL)	Timothy P. Deignan (MA)
Roy D. Draughon (OH)	Saul Garcia (CA)
John A. Gott (MD)	Paul T. Haegele (ND)
David A. Heard (SD)	Marvin M. Heatherly (TN)
Justin M. Herb (IN)	Daniel T. Hernandez (TX)
Terry D. Higdon (TN)	Donald F. Higgins (IN)
Steven W. Hobbs (GA)	Demarco L. Johnson (GA)
Howard Jones (NY)	Hoyt M. Jordan (IA)
David E. Logan (OR)	Aner A. Maldonado (IL)
Robert R. Martinez (CA)	Daniel P. McCartney (IL)
James A. McFail (DC)	Richard A. Miller (PA)
Domenic Moffo (CT)	James P. Moran (WV)
James L. Morgan, Jr. (NC)	Steven E. Novitski (WI)
Mark A. Nowakowski (WA)	Michael A. Ragan (MD)
Timothy E. Reilly (CT)	Michael L. Roberts (IA)
Jesus P. Sanchez (AZ)	Rafael Santiago (FL)
Dewey D. Shawver (WA)	Kenneth J. Sortman (OH)
Wendell A. Sowards (OH)	Edward R. Sutton (CA)
Austin M. Thies (IA)	Hughes Tranquille (NY)
Robert E. Trumbull (OH)	Ronald L. Weaver (PA)

Walter S. Whitehorn (AK)	Bruce A. Willard (NH)
Ricky D. Yates (GA)	

The following two applicants have had more than one hypoglycemic episode requiring hospitalization or the assistance of others, or has had one such episode but has not had one year of stability following the episode: Steven G. Donovan, (MO); Dagmar E. Kark, (WA).

The following four applicants had other medical conditions making the applicant otherwise unqualified under the Federal Motor Carrier Safety Regulations:

Carl Bouie (MD)	Kenneth D. Ettinger (PA)
Leonard W. Narragon (TX)	Roger G. Rousseau (WA)

The following three applicants did not have endocrinologists willing to make statements that they are able to operate CMVs from a diabetes standpoint: Mohd Issa R.A. El Muhtaseb, (IL); Eleazar Pina, (IL); Robert B. Puckett, (IL).

The following two applicants have peripheral neuropathy or circulatory insufficiency of the extremities likely to interfere with the ability to operate a CMV: Flavio Pereira, (MA); Charlie T. Melson, (GA).

The following applicant does not meet the minimum age criteria outlined in 49 CFR 391.41(b)(1) which states that an individual must be at least 21 years old to operate a CMV in interstate commerce: Michael J. Sabarese, (NJ).

The following 18 applicants were exempt from the diabetes standard:

Troy L. Bunch (NC)	Shawn M. Cody (IN)
Rodger L. Davis (VA)	Stuart A. Desautel (WA)
Gary D. Detwiler (CA)	Gary M. Fuller (IN)

Herman Harris (SC)	Kenneth L. Johnson (FL)
Paul Key (IL)	Leodon L. Killinger (ME)
James C. Lewis (LA)	Mario M. Moreno (CA)
Robert C. Newell (KY)	Pedro Pagan (NY)
Horace G. Perry (TX)	Domingo D. Rangel (TX)
Dale Z. Stephens (PA)	David D. Trupia (NY)

Issued on: February 7, 2018.

Larry W. Minor,
Associate Administrator for Policy.

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